

CHIEF JUDGE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT TABARES,

Defendant.

No. CR18-217RSM

**STIPULATED MOTION TO
PROCEED WITH GUILTY PLEA BY
VIDEO HEARING**

Note for date: October 8, 2020

Robert Tabares, joined by the United States of America, through Assistant Federal Public Defender Vanessa Pai-Thompson, files this stipulated motion for an order authorizing a videoconference guilty plea hearing as soon as practical because further delays in this case risk “serious harm to the interests of justice.” *See* General Order No. 04-20 (3/30/20).

I. BACKGROUND

Robert Tabares is charged by the Third Superseding Indictment in this case with Conspiracy to Distribute Controlled Substances, in violation of 21 U.S.C §§ 841(a)(1) and 846, with a drug quantity allegation pursuant to 21 U.S.C § 841(b)(1)(A); Conspiracy to Commit Money Laundering, in violation of 18 U.S.C §§ 1956(a)(2)(A) and 1956(h); and Money Laundering, in violation of 18 U.S.C §§ 1956(a)(2)(A) and 2. Dkt. 279. He

1 was arraigned on the Third Superseding Indictment on August 6, 2020, and pleaded not
2 guilty to all counts. Dkt. 495.

3 Mr. Tabares was arrested and made his initial appearance on June 13, 2019. Dkts.
4 107, 116. Following a detention hearing, Mr. Tabares was ordered released on an
5 appearance bond to pretrial supervision on June 18, 2019. Dkt. 124, 126. Mr. Tabares has
6 remained out of custody and complied with his appearance bond since his release.

7 Mr. Tabares and counsel have discussed his right to make an in-court appearance
8 and to enter his guilty plea before a U.S. District Judge. Mr. Tabares consents to a video
9 proceeding and further consents to proceed with entering a plea before a U.S. Magistrate
10 Judge. The parties thus stipulate and request that the Court allow Mr. Tabares to enter his
11 guilty plea via video before a U.S. Magistrate Judge.

12 II. DISCUSSION

13 Under General Order 04-20, felony pleas and sentencings may proceed by video
14 or telephone conferencing if “the district judge in a particular case finds for specific
15 reasons that the plea or sentencing in that case cannot be further delayed without serious
16 harm to the interests of justice.” Through subsequent General Orders, the Court has
17 extended such procedures until at least January 1, 2021. GO 15-20.

18 The parties have reached an agreement in this case for Mr. Tabares to plead guilty.
19 Allowing him to do so remotely will serve the interests of justice by allowing Mr.
20 Tabares to resolve the charges against him in a case that is presently set for trial, with
21 numerous other parties that have previously objected to continuances and stated their
22 desire to proceed to trial as soon as possible. Allowing Mr. Tabares to plead guilty now
23 will relieve defense counsel of the need to prepare for trial. It will further allow the
24 government to more effectively utilize its resources in preparing for trial by obviating
25 need to present evidence against Mr. Tabares.

26 The interests of justice are also served by allowing Mr. Tabares to enter a plea via
27 video given health concerns attendant to the COVID-19 pandemic. Affording him a video
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1 hearing will safeguard Mr. Tabares, the parties, the Court, and court personnel against
2 potential for COVID-19 exposure that attends in-person court hearings.

3 **III. CONCLUSION**

4 For the above stated reasons, the parties respectfully request that the Court find
5 that further delay would cause “serious harm to the interests of justice,” and authorize the
6 scheduling of a video guilty plea hearing at a date and time available to the Court and the
7 parties.

8 DATED this 8th day of October, 2020.

9 Respectfully submitted,

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11 s/ Vanessa Pai-Thompson
12 VANESSA PAI-THOMPSON
13 Assistant Federal Public Defender
Attorney for Robert Tabares

14 s/ Mike Lang
15 MIKE LANG
16 By email authorization

17 s/ Karyn S. Johnson
18 KARYN S. JOHNSON
19 By email authorization

20 Assistant United States Attorneys
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UNITED STATES OF AMERICA,

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**ORDER GRANTING STIPULATED
MOTION TO PROCEED WITH
GUILTY PLEA BY VIDEO HEARING**

Note for date: October 8, 2020

THE COURT has considered the stipulated motion to proceed with guilty plea hearing by video hearing, along with all the records and files in this case and the General Orders currently in effect.

THE COURT FINDS that the circumstances are as set forth in the parties' motion, and that a video guilty plea hearing may take place as soon as practical because further delays in this case would cause "serious harm to the interests of justice," *see* General Order No. 04-20 (3/30/20), for the reasons set forth in the parties' stipulation.

Accordingly,

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1 THE COURT ORDERS that the parties may proceed with a plea hearing by video
2 conference, consistent with current procedures established by this Court, and directs the
3 parties to consult with one another and the Court to schedule such a hearing at a mutually
4 acceptable date and time.

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6 DONE this 8th of October, 2020.

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10 RICARDO S. MARTINEZ
11 CHIEF UNITED STATES DISTRICT JUDGE
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13 Presented by:

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15 s/ Vanessa Pai-Thompson
16 VANESSA PAI-THOMPSON
17 Assistant Federal Public Defender
18 Attorney for Darrell N. Winston

19 s/ Mike Lang
20 MIKE LANG
21 By email authorization

22 s/ Karyn S. Johnson
23 KARYN S. JOHNSON
24 By email authorization

25 Assistant United States Attorneys
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